

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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| <b>Allan Chiocca,</b>                          | ) |                                   |
|  | ) |                                   |
| <b>Plaintiff</b>                               | ) |                                   |
|  | ) |                                   |
| <b>v.</b>                                      | ) |                                   |
|  | ) |                                   |
| <b>The Town of Rockland, Deirdre Hall,</b>     | ) | <b>C.A. No. 1:19-cv-10482-WGY</b> |
| <b>Edward Kimball, Larry Ryan,</b>             | ) |                                   |
| <b>Michael Mullen Jr., Michael O’Loughlin,</b> | ) |                                   |
| <b>Richard Penney and Kara Nyman,</b>          | ) |                                   |
|  | ) |                                   |
| <b>Defendants</b>                              | ) |                                   |
|  | ) |                                   |
|  | ) |                                   |

**AMENDED JOINT SCHEDULING PLAN**

Counsel for the parties in the above-captioned case have met and conferred about how scheduling and discovery in this case should proceed in light of the expiration of the stay requested by Deirdre Hall and disruptions caused by the COVID-19 global pandemic. All are in agreement about how they wish to proceed. Specifically, the Plaintiff, Allan Chiocca and the Defendants, the Town of Rockland, Larry Ryan, Michael Mullen Jr., Michael O’Loughlin, Richard Penney and Kara Nyman, as well as Defendants and Counter-Claim Plaintiffs Deirdre Hall and Edward Kimball (collectively hereinafter the "Parties"), hereby state and propose the following:

1. As reported by her counsel, at this juncture, Defendant and Counter-Claim Plaintiff Deirdre Hall ("Ms. Hall") is able to engage in discovery, subject to the possible need for reasonable accommodations in terms of scheduling and pace.
2. The Parties accordingly all agree that the stay ordered by the Court may be lifted so that they may resume discovery, consistent with safe practices, the health needs

of witnesses and parties and Ms. Hall's potential need for reasonable accommodations.

3. The Parties agree to provide responses to any currently outstanding requests for document production or interrogatories no later than July 28, 2020 and to move forward with other discovery that does not require or is not predicated upon in-person depositions from June through August of 2020. This agreement specifically allows for further requests for written discovery throughout the remainder of the discovery period.
4. If any one of the Parties believes that they can conduct a particular non-party deposition remotely, they will propose doing so to the other Parties, who will meet and confer as to feasibility. Such depositions can, if agreed upon, begin after Defendant and Counter-Claim Plaintiff Hall responds to the currently outstanding document requests and interrogatories.
5. The Parties are in agreement that, in light of the allegations, defenses and counter-claims in this case, remote depositions of Parties or other key witnesses are not appropriate and may prejudice the interests of the Parties.
6. The Parties acknowledge that various witnesses and counsel in this case are among those individuals particularly vulnerable to COVID-19 and therefore in person depositions would currently pose a significant health risk.
7. The parties believe that the following revised schedule will be feasible, provided that in person depositions can safely resume by Labor Day.
8. Proposed Revised Tracking Order:
  - a. Discovery would conclude by December 18, 2020
  - b. Expert Reports would be due January 8, 2020

- c. Rebuttal Reports would be due February 1, 2021
- d. Dispositive Motions would be filed by February 10, 2021 with oppositions filed on March 10, 2021
- e. Expert Depositions would be completed by April 1, 2021
- f. Trial Date would be May 2021

9. The parties further agree to meet and confer in August 2020 to determine if it is feasible to safely begin in person depositions. The Parties will submit a further Status Report on or before August 24, 2020 to inform the Court of the status.

WHEREFORE, the undersigned Plaintiff, Allan Chiocca and the Defendants, The Town of Rockland, Deirdre Hall, Edward Kimball, Larry Ryan, Michael Mullen Jr., Michael O'Loughlin, Richard Penney and Kara Nyman, by and through their attorneys, jointly propose this revised Amended Scheduling Plan and request that it be made an order of this Court.

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| <p>PLAINTIFF,<br/>ALLAN CHIOCCA</p> <p>By: <u>/s/ Adam J. Shafran</u><br/>Adam J. Shafran (B.B.O. # 670460)<br/>Jonathon D. Friedmann (B.B.O. # 180130)<br/>Rudolph Friedmann LLP<br/>92 State Street<br/>Boston, MA 02109<br/>Phone: (617) 723-7700<br/>Fax: (617) 227-0313<br/>ashafran@rflawyers.com<br/>jfriedmann@rflawyers.com</p> <p>By <u>/s/ Samantha C. Halem</u><br/>Samantha C. Halem (B.B.O # 649624)<br/>Kelly A. Hoffman (BBO # 673409)<br/>Marshall Halem LLC<br/>27 Mica Lane, Suite 102<br/>Wellesley, MA 02481<br/>Phone: (781) 235-4855<br/>shalem@marshallhalem.com<br/>khoffman@marshallhalem.com</p> | <p>DEFENDANT,<br/>DEIRDRE HALL</p> <p>By: <u>/s/ Cindy M. Cieslak</u><br/>Cindy M. Cieslak (B.B.O. # 685498)<br/>Michael J. Rose<br/>Robin B. Kallor<br/>Rose Kallor, LLP<br/>750 Main Street, Suite 1108-3<br/>Hartford, CT 06103<br/>Phone (860) 361-7999<br/>Fax (860) 270-0710<br/>ccieslak@rosekallor.com<br/>mrose@rosekallor.com<br/>rkallor@rosekallor.com</p> <p>By <u>/s/ Ellen J. Zucker</u><br/>Ellen J. Zucker (B.B.O. #568051)<br/>Neerja Sharma (B.B.O. # 670460)<br/>Burns &amp; Levinson LLP<br/>125 High Street<br/>Boston, MA 02110<br/>Phone: (617) 345-3000<br/>ezucker@burnslev.com<br/>nsharma@burnslev.com</p> |
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